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David W. Proctor

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EXAMINER

KUMAR, ANIL N

ART UNIT

PAPER NUMBER

2174

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/788,812	<b>Applicant(s)</b> PROCTOR ET AL.	
	<b>Examiner</b> ANIL N. KUMAR	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-12,16,20,23-27,30,31,33,35-41 and 46-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6-12, 16, 20, 23-27, 30-31, 33, 35-41 and 46-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to the amendment filed on January 20<sup>th</sup>, 2009. Claims 1, 2, 4, 6-12, 16, 20, 23-27, 30-31, 33, 35-41 and 46-49 are pending and have been considered below.

#### ***Claim Objections***

Claim 8 is objected to because of the following informalities: "...wherein at least one of the first component and second component is swappable with at least one alternate component...". The examiner will assume it to be "...wherein at least one of the first component or second component is swappable with at least one alternate component..." during this prosecution. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 6-11, 20, 23-27, 30-31, 33, 35-39, 41 and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al. ("Newman", US 6,757,551 B1) in view of Adatia et al. ("Adatia", US 2003/0112262 A1).

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Claim 1: Newman disclose, an integrated user interface mechanism (personal communicator 1, column 7 lines 7-56 and Figs. 1-7) among at least two modes (computer, wireless communications) in a media device (core computer module 4) having a media screen (display 3 and 14) for electronically displaying data relating to media content, modes of operation of the media device including a first mode for interacting with the media device when the media content relates to music playback (a radio -music-, column 3 lines 55-64) and a second mode for interacting with the media content when the media content relates to image content (still -images- and/or video, column 3 lines 55-64), comprising:

- a first component (cover 13 of folio 11, column 8 lines 23-48 and Fig. 7A) movably connected proximate a first end of the media device (computer module 4);
- a second component (display 14) movably connected proximate a second end of the media device, the second end opposing the first end (display and cover are connected to the computer module 4, such that they are closer to the opposite end/sides of the computer module 4 as shown in Fig. 7B; also see Fig. 2 where the computer 4 is connected to 2 different components from the opposing ends),
- wherein the first component and the second component are movable from opposing ends of the media device (they hinge in opposing direction) towards the middle of the media device to at least one component physically movable

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- between a first position corresponding to the first mode (the cover 13 is movable to a first mode, Fig. 7A),
- the media screen of the media device is being substantially shielded from view (the display screen 14 screen is substantially shielded), and a portion of the media screen remaining unshielded from view, upon movement of the first component and the second component to the first position (the display screen 3 screen is substantially unshielded),
  - and wherein the first and second components are movable toward opposing ends of the media device away from the middle of the media device to a second position corresponding to the second mode (inverted V shape position in fig. 7B), the media screen being substantially in view (the display screen 14 screen is substantially in view), upon movement of the first component and the second component to the second position (Fig. 7B),
  - and wherein at least one of the first and second components comprises a plurality of physical user interface controls for interacting with the media content when the first and second components are physically moved to the first position (note the display screen 3 can be used as a touch screen in the first or closed position, Fig. 7A).

but does not explicitly disclose a switching operation between the modes.

However, Adatia discloses, A number of user interface techniques for virtual instruments implemented using a computer are disclosed (Abstract) and further teach switching between audio and image modes (Paragraph [0040] and Figs. 4

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and 6). Therefore, it would have been obvious to one having ordinary skill in the art at the time to combine, Adatia's user interface techniques with Newman, and deploy Adatia media player in the media device, in order for the user to use a media player that is portable and versatile in its usefulness.

Claim 2: Newman disclose, wherein said image content of the second mode includes at least one of video content and image content (still and/or video - images-, column 3 lines 55-64]).

Claim 4: Adiatia disclose, wherein the unshielded portion of the media screen displays at least one of metadata relating to music being rendered and advertising (providing a graphical play list indicator, paragraph [0004]). Motivation to combine Adiatia with Newman is same as in claim 1.

Claim 6: Adiatia disclose, wherein said plurality of user interface controls for interacting with the media content include at least one of Escape, Start, Options, More, OK, Back, Forward, Play, Pause, Up, Down, Fast Forward, Reverse, Skip Forward, Skip Backwards, Menu, Left, Right, Mute, Volume Up and Volume Down functional controls (see Figs. 1-2). Motivation to combine Adiatia with Newman is same as in claim 1.

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Claim 7: Adiatia disclose wherein said plurality of user interface controls is applicable to both the first and second modes (see Figs. 1-2). Motivation to combine Adiatia with Newman is same as in claim 1.

Claim 8: Newman further disclose, wherein at least one of the first component or second component is swappable with at least one alternate component (the computer module 4), wherein when said at least one alternate component is physically moved to the first position, the media screen of the media device is substantially shielded from view and a portion of the media screen remains unshielded from view, and wherein said at least one alternate component comprises a plurality of physical user interface controls for interacting with the media content when said at least one alternate component is physically moved to the first position (the computer module 4 (or unit 1) as shown docked in docking opening 21 into FIG. 7A can give the user a functionality that constitutes a laptop functionality, column 8 lines 22-43).

Claim 9: Newman further disclose, wherein said at least one alternate component exposes a different set of user interface controls than provided by said at least one component (Also display module 3 has means to accept text (or other information) being transmitted to the unit 1 via facsimile, columns 7/8 lines 61-4 and Fig. 3).

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Claim 10: Newman disclose, wherein said at least one component is augmentable with at least one alternate component (Display 3 can be augmented when the computer 4 is attached to cover 13, Fig. 7A).

Claim 11: Newman disclose, wherein said at least one alternate component at least one of (A) exposes additional user interface controls not provided by said at least one component alone and (B) alters the functionality of said plurality of user interface controls (display 3 can be used as a touch sensitive screen when unit 1 is mounted on cover 3, column 8 lines 23-43 and Fig. 7A).

Claim 12: Newman disclose, wherein the first and second component substantially surround opposing ends of the media device (Figs. 1-2).

Claim 16: Newman further disclose, wherein the media device includes a synchronization component adapted to synchronize with a docking station whether said first and second components are in the first position or the second position (with the computer module 4 (or unit 1) as shown docked in docking opening 21, column 8 lines 23-43).

Claim 20 is similar in scope to claim 1, and therefore rejected under similar rationale. Newman further teach, two components mounted on the opposite sides



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of the body (See Core 4, and components 3 and 2, in Fig. 2) and the physical user interface controls on the component (keypad 7 in component 2 in Fig. 2)

Claim 23: Newman further disclose, wherein at least one of (1) a wing of the at least one wing is interchangeable with an alternate wing, wherein the alternate wing provides alternate functionality and (2) the functionality provided by a wing of the at least one wing is augmentable with a sleeve, wherein the sleeve provides alternate functionality(an accessory such as a member selected from the group consisting of radio, television, video camera, still camera, or mixtures thereof may be used in or integral with at least one of modules 2, 3, or 4, column 7 lines 9-57 and Fig. 2).

Claim 24 is similar in scope to claim 23, and therefore rejected under similar rationale.

Claim 25 is similar in scope to claim 17, and therefore rejected under similar rationale.

Claim 26: Newman further disclose, wherein said at least one wing comprises two wings that slide outward from the media screen to reveal the media screen in the open position, and wherein the two wings operate as a stand for the portable media player (Fig. 5)

Claim 27 is similar in scope to claim 16, and therefore rejected under similar rationale.

Claim 30 is similar in scope to claim 1, and therefore rejected under similar rationale.

Claim 31 is similar in scope to claim 2, and therefore rejected under similar rationale.

Claim 33 is similar in scope to claim 4, and therefore rejected under similar rationale.

Claim 35 is similar in scope to claim 6, and therefore rejected under similar rationale.

Claim 36 is similar in scope to claim 8, and therefore rejected under similar rationale.

Claim 37 is similar in scope to claim 9, and therefore rejected under similar rationale.

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Claim 38 is similar in scope to claim 10, and therefore rejected under similar rationale.

Claim 39 is similar in scope to claim 11, and therefore rejected under similar rationale.

Claim 40 is similar in scope to claim 12, and therefore rejected under similar rationale.

Claim 41 is similar in scope to claim 16, and therefore rejected under similar rationale.

Claim 46: Newman disclose, computing device and computer readable medium comprising computer executable modules (PCMCIA or PC card can be inserted tot the host computer, column 5 lines 60-65).

Claim 47 is similar in scope to claim 30, and therefore rejected under similar rationale. Furthermore, Newman teach, a communication device (Abstract).

Claim 48 is similar in scope to claim 1, and therefore rejected under similar rationale. Furthermore, Newman teach, computer readable storage medium (at least 80 MB mass storage, column 8 lines 44-54).

Claim 49 is similar in scope to claim 1, and therefore rejected under similar rationale. Furthermore, Newman teach, a communication device (Abstract).

### ***Response to Arguments***

3. Applicant's arguments filed on January 20<sup>th</sup>, 2009 have been fully considered but they are moot in view of new rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil N. Kumar whose telephone number is (571) 270-1693. The examiner can normally be reached on Wednesdays and alternate Mon-Tue and Thu-Fri EST (Alternate Mon-Tue and Thu-Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANK  
4/21/2009

/Joshua D Campbell/  
Primary Examiner, Art Unit 2178